

FORM H

COVENANT

Planning Board – Town of East Longmeadow

Subdivision Name: \_\_\_\_\_

Date: \_\_\_\_\_

Plan # \_\_\_\_\_

Know all men by these presents that whereas the undersigned has submitted an application dated \_\_\_\_\_ to the East Longmeadow Planning Board for approval of a Preliminary  $\pi$  Definitive  $\pi$  Plan of a certain subdivision entitled:

\_\_\_\_\_

\_\_\_\_\_

and dated \_\_\_\_\_, and has requested the Board to approve such plans without requiring a performance bond.

NOW THEREFORE, the agreement witnesseth that in consideration of the East Longmeadow Planning Board approving said plan without requiring a performance bond, the undersigned covenants and agrees with the Town of East Longmeadow as follows:

1. No building permits can be granted for any of the lots in the subdivision until this covenant is released in lieu of a cash bond as determined by the DPW and approved by the Planning Board. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions thereof.
2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid subdivision and shall operate as restrictions upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

3. The undersigned represents and covenants that the undersigned is the owner\* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this contract, and the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.
4. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Rules and Regulations of the Town of East Longmeadow governing the Subdivision of Land before \_\_\_\_\_ unless an extension of time is granted by the East Longmeadow Planning Board. Failure to so complete could result in rescinding approval of the plan.

\*If there is more than one owner, all must sign.

### COVENANT

IN WITNESS WHEREOF the undersigned applicant as aforesaid, does hereunto set his/her hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_

\_\_\_\_\_  
Owner(s) if not applicant

Description of mortgages:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Assents of Mortgagees:

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,

\_\_\_\_\_, the undersigned Notary Public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identity, which was/were

\_\_\_\_\_, to be the person(s) whose name(s) was/were signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

\_\_\_\_\_  
(signature of Notary Public)

\_\_\_\_\_  
(printed name of Notary Public)

\_\_\_\_\_  
My commission expires